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**From:** Stronski, James <JStronski@crowell.com>  
**Sent:** Monday, January 31, 2022 4:22 PM  
**To:** Mithun Mansinghani  
**Cc:** Bryan Cleveland; Andy Ferguson; Zach West; Harry Cohen; M Robles; Walker, Kenton; Emma Rolls; Alex Kursman; Lynne Leonard; Dale Baich; Kim Stout; Jennifer Moreno; Li, Anne  
**Subject:** RE: Issues re PTR and PTC scheduled for 2/1/22

Mithun,

Please let us know your positions on the following issues we intend to raise at tomorrow's pre-trial conference.

A. Pursuant to Local Rule, the default date for submission of a Joint Pre-trial Report is tomorrow – the first day of the month in which the trial is scheduled “[u]nless otherwise ordered by the Court.” Local Civil Rule 16(c)(1). We plan to ask the Court to set an alternative date in view of the recent production and outstanding documents we need to evaluate to include in the Pre-Trial Report. Our thought is setting the date as February 14th should provide time for the State to supplement its production and Plaintiffs to incorporate documents that exist as of that time in the report. We are open to a shorter extension depending on when the State can supplement its production.

We have the production made last week but there are outstanding documents that we will want to consider including as trial exhibits and to use with our witnesses, such as:

1. Stouffer
  - Medical Examiner Report
  - Toxicology Report
  - Medical Examiner photographs
2. D. Grant Medical Examiner Report
  - Medical Examiner Report
  - Toxicology Report
  - Medical Examiner photographs
  - Execution Logs
  - All other documents from the execution (i.e. 35-Day Packet, medical records, after-execution review documents, etc.)
3. All documentation from the execution of Postelle, if it goes forward
  - Medical Examiner Report
  - Toxicology Report
  - Medical Examiner photographs
  - Execution Logs
  - All other documents from the execution (i.e. 35-Day Packet, medical records, after-execution review documents, etc.)

B. Separately, we intend to ask the Court to order the depositions of the IV Team Leader and his or her assistant in view of the summary nature of the answers provided to written questions. The identify of these persons may be protected by testifying by VTC but their implementation of the protocol is highly relevant and thus they should be produced both for a deposition and their attendance made available for trial.

C. Dr. Gail Van Norman of the University of Washington, a professor of anesthesiology and a currently practicing anesthesiologist, will review the documents on the recent executions of John Grant, Stouffer, Donald Grant, and Postelle as they become available and we intend to call her in our case to address this new evidence. We will provide a report or declaration of her opinions.

D. Please identify any witnesses that have observed executions for the State, whether they are generating a report or declaration to address this new evidence and whether you intend to call them to testify as a witness at trial concerning such executions.

Regards,

Jim

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